



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only	
Received:	
Reviewed by:	_____
Date Reviewed:	_____

Applicant: Don West Family Properties LLC

Application Number: CHEL-09-12

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **September 12, 2013**.

☐ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **September 12, 2013** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **September 12, 2013** and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps, Chair
Chelan County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☒

Waikele M. Frantz, Member
Chelan County Water Conservancy Board

Date: 12 Sept 2013
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: 9/12/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

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Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

X Surface Water

Ground Water

DATE APPLICATION RECEIVED June 11, 2009	WATER RIGHT DOCUMENT NUMBER CS4-WRC001265@2	WATER RIGHT PRIORITY DATE June 14, 1909	BOARD-ASSIGNED CHANGE APPLICATION NUMBER CHEL-09-12
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NAME

Don West Family Properties, LLC / Lake Wenatchee Water District (LWWD)

ADDRESS (STREET) Marc Marquis; Peterson & Marquis Law Office 1227 First Street	(CITY) Wenatchee	(STATE) WA	(ZIP CODE) 98801
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Changes Proposed: X Change purpose ☐ Add purpose ☐ Add irrigated acres Change point of diversion/withdrawal
X Add point of diversion/withdrawal X Change place of use X Other: Correct Well Location

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt **X Not exempt**

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.067cfs	MAXIMUM GAL/MINUTE 30gpm	MAXIMUM ACRE-FT/YR 0.27af Domestic 0.66af Irrigation	TYPE OF USE, PERIOD OF USE Continuous Domestic Seasonal Irrigation April 1 to November 1				
SOURCE Well			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: 47deg, 50min, 12.8sec N; 120deg, 47min, 7.35sec W	¼ NE	¼ SE	SECTION 13	TOWNSHIP N. 27N	RANGE 16EWM	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED NWNW Section 19, Township 27N, Range 17E, Chelan County.							
PARCEL NO. 271719221400	¼ NW	¼ NW	SECTION 19	TOWNSHIP N. 27N	RANGE, 17E		

Proposed Use

MAXIMUM CUB FT/ SECOND 0.067cfs	MAXIMUM GAL/MINUTE 30gpm	MAXIMUM ACRE-FT/YR 0.93	TYPE OF USE, PERIOD OF USE Continuous Municipal				
SOURCE Two Wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: Parcel #2716134100050 47deg, 50min, 12.8sec N; 120deg, 47min, 7.35sec W	¼ NE	¼ SE	SECTION 13	TOWNSHIP N. 27N	RANGE 16EWM	WRIA 45	COUNTY. Chelan
Parcel: #271718400050	NW	SE	18	27N	17EWM		
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND 0.067cfs		MAXIMUM GAL/MINUTE 30gpm		MAXIMUM ACRE-FT/YR 0.93af		TYPE OF USE, PERIOD OF USE Continuous Municipal		
SOURCE Two Wells				TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: Parcel: #2716134100050 47deg, 50min, 12.8sec N; 120deg, 47min, 7.35sec W Parcel: #271718400050		¼ NE	¼ SE	SECTION 13	TOWNSHIP N. 27N	RANGE 16EWM	WRIA 45	COUNTY. Chelan
		NW	SE	18	27N	17EWM	45	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD								
The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.								
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE,	

DESCRIPTION OF PROPOSED WORKS

Water will be purveyed via a newly constructed municipal water system that will provide water to the subject area which is located within the service area of the Lake Wenatchee Water District. The applicant may install additional wells at authorized POWs as required to access maximum Qi as provided by, and in compliance with, Chapter 90.44.100(3) RCW.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project Started	COMPLETE PROJECT BY THIS DATE: 2022	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 2032
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REPORT

BACKGROUND

Public notice of the application was published in the Wenatchee World on 10/24/2012 and 10/31/2012. Protest period ended on 11/29/2012. See attached Notice of Application for Changes to a Water Right together with an affidavit of publication. In addition to publication this notice was sent to the Department of Fish and Wildlife and other Parties of Record.

Table 1

Attributes of the right/claim as currently documented

Name on Doc	Don West Family Properties LLC
Document Number	CS4-WRC001265@2
As Modified by Change #	WRC107516@2 and WRC107516@1
Priority/First Use	06/14/1909
Source	Well
POD/POW	NWSE Sec 13, T27, R16
Qi	0.2cfs
Qa	0.96 Domestic 7.0 Irrigation
Place of Use	NW ¼, NW ¼, Section 19, Township 27N, Range 17E, Chelan County. 2 acres total.
Purpose of Use	Continuous Domestic, Irrigation
Provisions	

Notice:

TAKE NOTICE: That on 6/11/2009 Don West Family Properties, LLC of Chelan County, Washington filed an application with the Chelan County Water Conservancy Board which was accepted and assigned identifier No. CHEL-09-12. You are encouraged to inquire further as directed below, but be advised of the following details:

Water Certificate #CS4-WRC01265@2 issued to Don West Family Properties, LLC with a priority date of 06/1/1904 authorizes the withdrawal of 0.20cfs and 7.96af from a well located within NW1/4SE1/4 Sec. 13, T27, R16 for use in NW1/4 NW1/4 Sec.19, T27N, R17E all in Chelan County, WA to provide for domestic supply and irrigation.

Proposed changes to this right include correcting the legal description of the location of the existing point of withdrawal to NE1/4SE1/4 Sec. 13, T27N, R16E, authorizing additional points of withdrawal located in Sections 12 and/or 13, T27N, R16EMW and/or Sections 7, 17, and/or 18 T27N, R17EWM and changing the place of use to the service area of the Lake Wenatchee Water District to allow for redistribution as municipal supply.

*The above published notice inadvertently includes reference to a priority date asserted prior to a change application approved in 2002 (see discussion of prior changes below). As per this change decision, the priority date for this water right has been changed to 06/14/1909. The Board finds the notice as published meets the intent of RCW 90.80.070 as the assigned priority date is later than the published date such that no adverse impacts to water users would occur as a result of approval of the subject application.

Signatures:

The applicant initially submitted the subject change application in June 2009 for the purpose of correcting the well location described in a prior change application approved with DOE modifications May 8, 2002.

DOE requested withdrawal of the subject change application due to incomplete information. During the interim, Don West Family Properties, LLC executed a MOU with the Lake Wenatchee Water Users Association to provide for administration of the subject water right by the Lake Wenatchee Water Users Association. Lake Wenatchee Water Users Association subsequently executed a MOU with the Lake Wenatchee Water District to transfer administration responsibilities for the subject water right to Lake Wenatchee Water District. Hence, the application contains all necessary signatures by representatives of Don West Family Properties, LLC.

Peterson & Marquis Law Office provides general counsel services to Lake Wenatchee Water District and as such is authorized to execute documents on behalf of LWWD.

Tentative Determination

The source of water, location of diversion/withdrawal, place of use, and extent of beneficial use are as tentatively described on the front page of this report. Hearings were held in Chelan County by the Chelan County Water Conservancy Board which tentatively determined the extent and validity of the right as referenced above following investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

SEPA:

This transfer is a component of numerous water transfers identified for change within the Lake Wenatchee Water District Water system Plan. The aggregate volume of these transfers exceeds 1.0cfs. Therefore, the subject transfer is not exempt from SEPA. As required, the applicant has completed a SEPA checklist and published notice of a Determination of Non-significance. No public comments were received during the public notice period.

This water right has been changed subsequent to its priority date in the following manner:

The subject claim was originally authorized for diversion from Fall Creek. A change approved May 8, 2002 authorized transfer of the point of diversion to the Dickenson well as described in **Table 1**. This change authorization incorrectly identified the proposed point of withdrawal at NWNW Sec. 19, T27N, R17E. This new point of withdrawal is authorized to serve Dickenson, Don West, and the Lake Wenatchee Water Users. The 2002 change also divided the claim into a Record A, which was retained by the Lake Wenatchee Water Users and a Record B, which was retained by Don West, LLC and the subject of this change application.

COMMENT AND PROTESTS

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION

The information or conclusions in this section were authored and contributed to by Don Phelps, Karin Whitehall, Waikale Hampton, Marc Marquis, and Mark Peterson. In addition to prior Board investigations, a joint site visit was conducted with DOE staff on 08/01/2013 for the purpose of documenting existing attributes of the subject right. In addition, information regarding the subject right was obtained via interviews with representatives of Don West Family Properties, Lake Wenatchee Water Users, Lake Wenatchee Water District and a review of available public records.

Proposed project plans and specifications:

The Lake Wenatchee Water District was established to consolidate various Group A & B water systems for the purposes of improving regulatory compliance and increasing the availability of municipal water service within the boundaries of LWWD. The subject application seeks to correct the legal description of the authorized point of withdrawal, add Lake Wenatchee Water District's points of withdrawal, and change the place of use to the service area of LWWD.

The applicant requests that the development schedule reflect a 20 year planning horizon. POL 1280 requires that municipal development scheduling be integrated with Department of Health review of water system planning efforts so this decision will adopt the 2032 date as the date beneficial use must be achieved absent an

extension of this date as the result of the plan review process. This right has been fully perfected and has no inchoate quantities.

The applicant, as necessary, may install additional wells at the authorized points of withdrawal to access maximum instantaneous quantities as provided by, and in compliance with, Chapter 90.44.100(3) RCW.

Other water rights appurtenant to the property:

Portions of the LWWD 2011 Water System Plan Chapter 4 as previously reviewed and approved by the Department of Ecology are excerpted below for reference. Ecology’s acceptance of a Water System Plan is not a tentative determination of the water rights listed in the plan. The Qi and Qa listed for each water right in the table below represent the maximum authorized quantities at the time the listed document was issued. The extent and validity of each water right will be determined by the quantities of water put to actual beneficial use during the five years prior to changing the purpose of use to municipal water supply. A tentative determination of the extent and validity of a water right will be made at the time the purpose of use is changed in accordance with Chapter 90.03.380 RCW.

Lake Wenatchee Water District brings together what had been five independent systems (Lake Wenatchee Water Users Association, Mountain Park/Zufall, Brown Road Water Users Association, Lester Addition Water Company and Whispering Pines Water Users Association) that held six water rights from various sources of supply. The cumulative total of the water rights held by the District is 1.92 cfs (862.5gpm) instantaneous rate and at least 113.76afy annual volume as shown in **Table 4-1**. This includes water rights from three different well sources, one spring source and three Barnard Creek sources.

Table 4-1
Existing Water Rights

DOH Source No. ¹	Source Name	Water Right Number	Priority Date	Instantaneous (Qi)		Annual (Qa)		
				Primary		Primary	Supplemental	
				(cfs)	(gpm)	(acre-ft)	(gpm)	(acre-ft)
S02	Dickinson Well (Lake Wenatchee Users)	Claim 017516	6/14/1909	0.8	359.1	17.76	11.0	
S01	Zufall Well (Mountain Park) ²	Claim 030577	6/20/1933	0.11	50	4.5	2.8	
S01 & S02	Barnard Creek & Brown Road Well (Brown Road)	SWC 8453	11/16/1961	0.2	89.8	55	34.1	
	Barnard Creek (Lester) ³	SWC 9778	8/15/1963	0.1	44.9	6	3.7	
S01	Barnard Creek (Whispering Pines) ⁴	S3-00959C	12/18/1969	0.6	269.3	18	11.2	
S02	Barnard Creek Spring (Whispering Pines) ⁵	S4-26470C	10/26/1979	0.11	49.4	12.5	7.7	18
TOTAL				1.92	862.5	113.76	70.5	18

1 = Since these were independent water systems, the originally assigned Source Number, if one was assigned, is shown here. New source numbers should be assigned for the District to avoid confusion.

2 = Nothing is noted for the annual volume claimed. For planning purposes, the annual right was estimated to be 4.5 acre-feet based on 0.5 acre-ft times the number of connections (9).

3 = No annual volume was indicated on the certificate. For planning purposes, the annual right was estimated to be 6 acre-feet based on 0.5 acre-ft times the number of connections (12).

4 = The lanugage on the report of examination indicated that "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the ROE was written, there was another active permit (15951) that has since been cancelled.

5 = The language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights". Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights is 30.5 afy. Of that 30.5 afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C.

Each individual water right, organized by the system that originally held it, is listed in Table 4-1 and discussed below.

Lake Wenatchee Water Users Association

The Lake Wenatchee Water Users Association (Lake Wenatchee Users) held water right claim number 017516 to divert water from the Dickinson Well for community domestic residential use (0.8 cfs and 17.76 afy) with a claimed date of first use of June 14, 1909. Originally, the water right was just for diversion from Fall Creek. However, a change to this water right was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on May 8, 2002. This change application also split the claim into a Record A, which was retained by the Lake Wenatchee Users and a Record B, which was retained by Don West, LLC. Only the Lake Wenatchee Users portion is available for use by the District and will be discussed here. The 2002 decision changed the approved point of diversion/withdrawal from Fall Creek to the Dickinson Well. However, the change approval listed the wrong legal description for the Dickinson Well. So, in June 2009, the Lake Wenatchee Users filed another change application (CS4-017516CL(A)@4) to correct this error, which is still pending as of the date of this Water System Plan (WSP). Water Right Claim 017516 is for municipal water supply purposes since the Lake Wenatchee Water

Users Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Lake Wenatchee Water Users Association is a municipal water supplier.

Mountain Park/Zufall

The Mountain Park/Zufall (Mountain Park) water system held water right claim number 030577 to withdraw water from a well for domestic use with a claimed date of first use of June 20, 1933. The name on the face of the water right claim is Mr. Ralph Zufall. This document indicates that he claimed 50 gpm but was only using 25 gpm when the claim was filed in 1973. It does not have any information related to the annual volume claimed or used at the time of filing. Water Right Claim 030577 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Mountain Park/Zufall water system is not a municipal water supplier.

Brown Road Water Users Association

The Brown Road Water Users Association (Brown Road) held surface water certificate number SWC 8453 to divert water from Barnard Creek and withdraw water from a well for domestic use (0.2 cfs and 55afy) with a priority date of November 16, 1961. Originally, the water right was just for diversion from Barnard Creek. However, a change to this water right (CS4-SWC8453@1) was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on June 18, 2003. This change added a well as an additional point of withdrawal/diversion while retaining the original Barnard Creek diversion. Even though the Barnard Creek diversion was retained on SWC 8453 when the well was added as an approved point of withdrawal, the water system has been relying solely on the well as its source of supply since October 2003. SWC 8453 is for municipal water supply purposes since the Brown Road Water Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Brown Road Water Association is a municipal water supplier.

Lester Addition Water Company

The Lester Addition Water Company (Lester) held surface water certificate number SWC 9776 to divert water from Barnard Creek for community domestic supply of 10 homes (0.1cfs) with a priority date of August 15, 1963. Since issuance of the certificate on October 24, 1966, no requests have been made to change any attributes of this water right. As is common on older surface water rights, there is only an instantaneous rate listed with no mention of the authorized annual volume. Water Right SWC 9776 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not Provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Lester Addition Water Company is not a municipal water supplier.

Whispering Pines Water Users Association

The Whispering Pines Water Users Association (Whispering Pines) held two water rights: 1) surface water certificate number S3-00959C to divert water from Barnard Creek for domestic use (0.6 cfs and 18 afy) with a priority date of December 18, 1969; and 2) surface water certificate number S4-26470C to divert water from a spring that is tributary to Barnard Creek for domestic use (0.11 cfs and a total of 30.5 afy) with a priority date of October 26, 1979. For S3-00959C, no changes have been processed on this water right certificate since its issuance. However, in November 2001, Whispering Pines submitted a change application to Ecology (CS3-00959C) that requests to change the point of diversion from Barnard Creek to a spring that is tributary to Barnard Creek. This is the same spring that is currently approved as the point of diversion under S4-26470C. This change application is still pending as of the date of this WSP. Originally, water right S4-26470C was just for diversion from Barnard Creek. However, a change to this water right (CS4-26470C) was processed and ultimately approved by Ecology on October 21, 1992. This change made the spring that is tributary to Barnard Creek the authorized point of diversion and removed authorization to use the original Barnard Creek point of diversion. The two water rights held by Whispering Pines contain provisional language that has been interpreted by the District as described below. The original report of examination for S3-00959C contained a provision that stated "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the report of examination was written there was another active permit (15951) for the project that has since been cancelled. Since the right that proceeded this right has been cancelled, this right should be considered primary.

For S4-26470C, the language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights." Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights

is 30.5 afy. Of that 30.5afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C. Both S3-00959C and S4-26470C are for municipal water supply purposes since the Whispering Pines Water Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Whispering Pines Water Association is a municipal water supplier.

Lastly, as is the case for most large municipal water suppliers, there are number^a other claims and rights within the District's service area. However, these other rights and claims are unrelated to the rights discussed above.

Attributes of the subject water right will be additive to the above described water rights. A tentative determination of the extent and validity of each identified water right will be made at the time the purpose of use is changed in accordance with Chapter 90.03.380 RCW.

Public Interest (groundwater only):

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The purpose of the proposed change is to improve drinking water quality and enhance reliability and accessibility of municipal water service within the boundaries of the District. Therefore, the public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies.

Tentative Determination:

Water metering data for the subject right is available from 2009 through July 2013. The highest use 0.93af (88,240 gallons for domestic use and 210,300 for irrigation) occurred in 2009 and will serve as the limit of water quantities currently available for transfer. Irrigated turf and under-tree landscaping is provided via fixed set sprinklers located throughout the West properties.

Relinquishment

The subject claim has been used continuously to provide for domestic water and irrigation to Don West Properties. As per a 2002 change decision, attributes of the subject claim include 7.0af for irrigation and 0.96af for domestic use. The Board finds the highest metered use recorded for all uses over a 5 year period is 0.92af. Therefore, the Board determines that 7.04af are relinquished due to non-use.

Abandonment:

The Board identified no evidence of intent to abandon the subject right.

Geologic, Hydrogeologic, or other scientific investigations:

Steve Nelson, RH2 Licensed Hydrogeologist has performed an analysis of the transfer application and determined the proposed points of withdrawal are in hydraulic connectivity with existing points of withdrawal/diversion and that the proposed changes can be made without impairment to other water rights. The Board fully incorporates the findings of this analysis herein the subject change application (see attached Technical Memorandum).

Season of Use:

The change in purpose of use from domestic use and seasonal irrigation to continuous municipal use will not result in a change in the manner or season in which water will be used. The irrigation of landscaping will continue to occur during the dry summer season and in-home domestic use will continue year round. The change from the previously authorized surface diversion to the down-gradient location of the well, which has been shown to be in hydraulic connectivity with surface water, will benefit instream flow of surface water during low flow periods when irrigation use is normally at its highest. Overall, the effect of seasonal withdrawals has likely been somewhat moderated by eliminating the original surface diversion. The annual consumptive quantity will not change because the "crop" will remain lawn and garden/landscaping as it has historically been. The total amount of water used, as designated by Qa and Qi, will also remain unchanged. Qa and Qi will be limited by the tentative determination described above.

CONCLUSIONS

The water right proposed for change exists to the extent set forth above on page 1.

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

The proposed changes will withdraw water from the same body of water, will not impair any existing water rights or result in enlargement of the water right.

There were no comments or protests.

The proposed change has complied with the requirements for SEPA.

The proposed changes can be made without injury or detriment to existing water rights.

The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION

Name on Water Right:	Lake Wenatchee Water District
Priority Date:	06/14/1909
Instantaneous Quantity:	0.067cfs (30gpm)
Annual Quantity:	0.93af
Source:	2 wells
POD/POW:	NE1/4 SE1/4 Sec. 13, T27N, R16E Parcel #2716134100050 NW1/4 SE1/4 Sec. 18, T27N, R17E Parcel #271718400050
Purpose of Use: (and number of acres irrigated)	Municipal
Period of Use:	Continuous
Place of Use:	Approved Lake Wenatchee Water District Service Area

PROVISIONS: This change approval is subject to the below provisions

- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 2) To prevent the authorized instant withdrawal rates of all Lake Wenatchee Water District rights from being exceeded at any time, the installed instantaneous capacity of the diversion/withdrawal points must be no greater than the total authorized withdrawal for all of said rights. In the future, if additional sources are added to the subject right, then they must be utilized in such a manner that the combined use of all sources does not exceed the total instant demand of all Lake Wenatchee Water District water rights.
- 3) The provisions and requirements outlined in previous Ecology modification orders and Board decisions shall remain in effect.
- 4) If the criteria in RCW 90.03.386(2) are not met the place of use of this water right reverts to the service area described in the Water System Plan/Small Water System Management Program most recently approved after September 9, 2003. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization.

- 5) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 6) An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 7) Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.
- 8) All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned..
- 9) All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

This Order may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Wenatchee Washington.

Waikale Grantz 12 Sept 2013
~~Don Phelps, Chair~~ Waikale Grantz, Board member Date
 Chelan County Water Conservancy Board

Appendix:

1. Application
2. Application Map
3. Copy of the Existing Water Right Document
4. Hydrogeologic Report
5. Notice of Application declaration of publication
6. Letter of Transmittal of Notice of Application to Department of Fish and Wildlife
7. SEPA DNS
8. Water Metering Record
9. MOU between LWWU & Don West Family Properties, LLC